A GRARY MEETING DISSOLVED IN BLOOD.

SHERIFF SHERRARD SHOT.

Press Our Special Correspondent.
LECOMPTON, K. T., Feb. 19, 1857. Gov. Geary is sensitive as to the esteem in which his administration is held. After the insult and violence offered to him by Mr. Sherrard at the door of the House of Representatives, his friends have been desirous to get up what they called an "indigration meeting." This was to express disapprobation of the act of Sherrard, and also to ind rae the conduct and whole policy of the Governor. It was to have occurred last Saturday, but the death of Gen. Richardson that day caused it to be deferred. Some of the members of the Legislature, it appears, had been expected to participate. The Convention was fixed for yesterday at 2 o'clock p. m., and was to assemble in the open air, close to where the building of the Government Capitol are being erected. But little interest appeared to be manifested in it. Some of the men in Lecompton did not know of it till they saw the people assembling. A certain portion of the Pro-Slavery men in Lecompton who favor Gov. Geary partic pated actively. An effort was made to get men from Lawrence and Topeka.

I learn that late on Tuesday evening a dragoon in undress, and who was traveling in baste to Fort Leavenwor b, crossed the Kaw River at Lawrence, and mentioned his destination to some persons, adding that Gov. Geary had been shot. As may be supposed, this created some stir in Lawrence. One incorrectness of this report had been learned yesterday, but the feeting it in tuced caused some twenty or thirty persons from Lawrence to come to Lecompton. I have been informed that the suxiety to have a majority of those present at the meeting to favor the Governor was so great that be, or somebody about the executive office, contributed some \$40 for carriage hire, and Mr. Brown of The Herald of Freedom contributed \$5 to the same laudable object. What would have made it humorous but for the painful sequel, was that a majority of those was came from Lawrence were really hostile to the general policy of Gov. Geary.

There was, I am certain, no improper motive in this anxiety. The Governor, or his friends, merely wished to have a decided testimonial, indorsing his conduct, which could be sent to the world and issue from Lecompton. I am fully persuaded that even this anxiety would not have prevented him from putting a stop to the meeting had his experience of Border Ruffianism been sufficiently great to anticipate the sequel.

Yesterday was very cold and disagreeable. In spite of this from one hundred to one hundred and fifty persons assembled. Mr. Stewart, Mayor of Lecompton, was elected President. Mr. Cook of Lawrence, Secretary. No member of the Council was present. One or two House members came and looked on, but the business of legislation went on without interruption.

A Committee had been appointed to draft resolutions. Mr. Legget of Lawrence was Charman; ex-Sheriff Jones and Probate Judge Wood were or it. I left the Legislative Hall and went over about the time I supposed the resolutions would be offered. Prior to my arrival there had been some speeches. Capt. Hampton, master of the convicts, spoke first and defended the past course of the Governor. Mr. Bennet of The Lecompton Union who had evidently been drinking, took a strong stand in defense of Sherrard in the recent transaction. Mr. McAllater, one of the Governor's private secretarice, made a speech. He reviewed Governor Geary's course. He was speaking when I got there, and was urging what the Governor had done for the Territory, and also illustrating his impartiality and administration of the laws by the arrest of the Hickory Point prisoners. He was interrupted by the report of one segment of the Committee on Resolutions. The Committee had split. Three reported a majority set of resolutions that had evidently been prepared with great care beforehand. Jones and Wood remained to get up minority reso lutions. The majority report was read. The resolutions were very long. They were vaguely general. The majority of them enunciated general principles in a manner which no rational man would think of calling in question. A few points were dropt in here and there-the protection of the ballot-box-Squatter Sovereignty-the people shall elect their own officers-enforcement of the laws. There was an elaboration and deification of Geary's policy, and a not very harsh condemnation of Snerrard's conduct, all wrapt up in a maze of sublimated rbetoric.

The President said they would wait for the minority report before action was taken. Jones approached. Several persons on the stand, among whom was Bennet of The Lecompton Union, commenced talking. The Chair vainly strove to keep order. Mr. Sherrard was in the crowd immediately in front of the President. He wanted to speak. The Chair wished him to wait till the minority report was read. Sherrard got violent, and mounted the low platform. He was a young man, rather strongly made, had a very florid face, and a wild and reckless air. The but of a Colt revolver peeped from his belt. He said, in the most excited manner. "I denounce those who would call my astious " in question! I denounce those who would vote " for these resolutions as liars and cowards !" He paused, and then said: "I denounce any man, present or anywhere, who will dare to condemn " my conduct, as a LIAR and a COWARD."

A single glance would have shown that a premeditated struggle was about to begin. Significant looks were exchanged by Sherrard's companions. Men might have been seen putting their hands to their coats to slip around their revolver belts While Sherrard poured out his violence and defiance, it evidently gave dissatisfaction to many. A Mr. Shepherd, who lives close to Lecompton, formerly a Pro-Slavery Justice of the Peace, but converted to Free Soilism by the sack of Lawrence, said that he would vote for these resolutions, and thought they were right.

"Then I pronounce you a LIAR and a COWARD." cried Sherrard; and he sprang into the crowd, as if to prepare for fight. They were but a few feet in front of me, and I saw some one brandish a stick, whether Shepherd or some of the others I cannot tell, for in the same instant a revolver eracked-Sherrard had drawn a pistol and fired at What follows baffles description. Shepherd. Shepherd drew his pistol and fired once, the ball going somewhat smeng the crowd, in the thickest of which the combatants were. Sherrard fired several times at Shepherd, and Shepherd facing him, their feet not a yard apart, tried to shoot bar-

rel after barrel, his pistol snapping. Who all fired, Heaven knows. Imagine a group of excited men, with glaring eyes, seeking here and

there as for an enemy, with revolvers pointed before them, and the erack! erack! eracking of the pistola as they were fired, and shouts and yells, while the listle wreaths of powder smoke curled up, and those who were dismayed, or who did not feel that they had a call to shoot on the occasion, and who wished to avoid the bullets flying so thick and promiscuously, were hurrying out of the way. One bullet whistling past my side suggested that it was not my quarrel, and that "distance might lend enchantment to the view." My back was to Sherrard when he fell. I heard the cry, "Sherrard's shot," and turning I saw that he was, indeed, lying quiet

enough- and so still. I shall never forget the incident that almost im medistely ensued. A little boy, son of Sheriff Jones, not more than seven or eight years old, had run forward. His father was in the group, and the little bosom heaving with filial affection made the boy forget his own danger in his father's The child stood close to the fallen Sherrard, and gave one frightened look at the figure so motionless, then raised his hands imploringly and cried: · Oh, paps, come home! come home!" and there

was a melting earnestness and pathos in his tone The firing ceased. The fall of Sherrard had disconcerted his associates. The Free State men present suspected an intended massacre, and had drawn back to cluster together. It was evident that a prolongation of the fight would terminate disastrously for the friends of Sherrard. There was a general hurrying from the spot. Mr. Snepherd had received two builets in his thigh, and a severe gash from the hilt of Sherrard's postol on the forehead. He was betne off the field by his friends. Mr. Sherrard was not quite dead, he bresthed, and, when lifted moved his arm, but he was shot in the center of the forehead and the brains were exuding. Mr. Houting, of Lawrence, who was in the crowd, but who had taken no part, was shot by a stray ball in the knee. Another person was shot in the hand. From the amount of shooting, and the fact that the parties firing were in the center of the crowd, it is astonishing that so few were hit and where the bullets had gone

During the confusion that ensued after the affair. Sheriff Jones and a third person, who says he is Sheriff of Douglas County, succeeded in getting possession of a young man named Jones-J W. A. Jones. I think; at ail events he is an attache of the Executive office, and came from Pennsylvania with the Governor. This person, it would appear, shot Sherrard. It is stated that Sherrard had turned on him and presented his pistol at him, and that Jones fired rapidly, shoot ng Sherrard.

Under pretense of arresting this young man, Sheriff Jones and others of his party got him into their possession. They passed me, bearing him along, but I for one thought he was another of their friends who had been wounded. They lodged him in Judge Wood's office. Immediately the report was spread that they intended to lynch him at once. The cry of the Geary men and the Free-State men was, "To arms for his rescue!" They assembled at the Governor's office, and wished the arms that had been taken from one of the emigrant train, which were still about the Governor's office.

Meanwhile, the company of infantry were ordered under arms. There were only seventeen of them. These preparations had their effect on Jones and his party. A soldier was permitted to be placed over the prisoner to guard him, the others being close at hend. In endeavoring to send over for the dragoons it was ascertained that all the ferry-boats had been cut loose or disabled, even the skiffs, An old cance was finally obtained, but could be o no use in bringing over cavalry. The river was high-ten or twelve feet above its common level.

Gov. Geary was apprehensive of an attack. He requested that all the gentlemen present should enroll themselves as a company to defend him. This was promptly done. More than half of this company were Lawrence men; one or two were Free-State convicts on parole. Jones and some others of his faction had an interview with Geary They represented that they merely kept Mr. Jones to have him examined regularly. He had been taken and held by a person whom, he stated, had been elected Sheriff. Under these circumstances, quested that the volunteer company just enrolled should be d shanded. This was done. Most of the Lawrence men returned. I do not think that there will be my further proceedings unless the Pro-Slavery men get stronger, if at all.

## HAVANA.

ARRIVAL OF THE QUAKER CITY. The steamship Quaker City, from Mebile the 23d and Havans the 26th ult at noon, arrived here on Tuesday forencon.

The Quaker City remained twenty hours in Havana. Her passage, from the time of leaving Mobile unt Sunday night last, had been unusually fine for the eason of the year-winds light, and smooth sea. thout II o'clock that night then distant from Sandy Hook about eighty miles it commenced blowing a gale of wind from N. W. by N., varying to N. E., accompanied by a heavy fall of snew, which continued until Monday evening. The greatest portion of this time the wind was a perfect hurricane, with a dangerous heavy head sea-ship lying to, being unable to make any headway. At 3 p. m. on Monday, shipped a sea which carried away the larboard (forward) life-boat, davits, and all the tackle. At 8 p. m., the gale began o moderate, but still continued fresh during the night from the northward and westward, with a heavy sea running. Soon after day light this morning made the Highlands, bearing north-west. This is the severest weather the Quaker City has experienced this Winter, and gave further proof of her excellent qualities as a ses boat; for, with the exception of losing one of her boats, she sustained to damage.

There is nothing new from Havana. The Carni-

val which bas been very gay this season, concluded on the night of the 24th with a grand masquerade ball at the Tacon Theater.

The health of Havana is excellent, and the coninuation of fine weather has induced a large portion of the visitors from the United States to prolong their etay.

A claver had safely landed to the eastward of Ha

vana a cargo of 400 negroes.

A ship under Dutch (Holland) colors, arrived at Ha-

vens on the 26th, loaded with coolies from the East

Sugars have a tendency to decline, but as yet the prices remain firm at last advices. Stock on hand, 5,000 boxes. Exchange on New-York, 54 @ 6 P cent discount; on New-Orleans, 3 P cent discount; Lon ion. 51 86 P cent premium.

The steamship Empire City, Griffen, from New York for New-Orleans, arrived on the 26th; would eave the same day.

WATER FOR HOBOKEN.-The public meeting at Park Hall in Jersey City on Monday evening, to discuss the question whether Hoboken shall be supplied with water from the Jersey City Water Works, was not largely attended. About fifty of City Water Works, was not largely attended. About fifty of the more prominent citizens were present. Judge Griffiths pre-sided, and A. S. Hopkins was secretary. Copies of the bill now before the Legiasture on this question were presented to the meeting. Speeches were made by Messra. D. S. Gregory, M. Traphagen and E. Randall of the Board of Water Com-missioners, and by Mr. J. D. Miller, Mr. E. S. Wakeman, Mr. Henning and others. The meeting finally adopted a resolution that they were in favor of supplying Hoboken with water upon fair and equitable terms, but not according to the bill new before the Legislature.

## THE BURDELL MARRIAGE Was Mrs. Cunningham his Wife! PROCEEDINGS IN THE SURROGATE'S COURT.

TESTIMONY OF THE CLERGYMAN.

At length the question, Who is entitled to the estate of the late Dr. Burdell, and what the extent of their claims upon the Public Administrator ! has been introduced to the Surrogate's Court, where it will meet with that attention which its importance deserves.

Yesterday morning at 10 o'clock A. W. Bradford, the Surrogate, after some informal conversation with several of the leading gentlemen representing the parties interested in this case, proceeded to business by asking for the names of counsel who were present or both sides, and the parties they respectfively represented, which were as follows:

Mesers. H. L. Clinton, B. C. Thayer and William R. Stafford for the widow of Dr. Harvey Burdell; Mr. Charles Edwards for the children of John Burdell, deceased: Messrs. Tilden & Paterson for William Burdell; Mr. Gardner for Lewis Burdell; Mr. Tilden for Mrs. Bulam, half-sier of deceased.

for Mrs. Bulam, half-size of deceased.

At II o clock the proceedings commenced.

Mr. Tilden—What is the nature of your Honor's engagement for some time to come and to what time will you probably adjourn? There are some points of view in which, in my judgment, it will be desirable not to enter upon this trial this morning. I am in daily expectation of testimony from the country, coming from quite a distance, which will be essential to enable me to cross examine some of the principal witnesses who will probably be produced upon this day. It is very likely that no condict of opinion or convenience will arise between us, because they may not propose to examine at the outset those particular witnesses. I make this i quity however, in a der to know, as far as possible, how we stand. There is testimony expected from several places in the interior, each of them several hundred miles from the city. We have done the best we could to get it here by this time, but to day it has not come, and I should teel unable to cross examine some of the principal witnesses upon the other side without the sid of the facts expected to be developed from those sources. I wish to consult your Honor's convenience and the convenience of the cowneel on the other side, so I state very frankly at the outset the exact condition in which the thing stands.

Mr. Clinten—I would prefer, in making a com-

the exact condition in which the thing stands.

Mr Clinten—I would prefer, in making a commencement, to go on, and I think the processings today will not conflict with his wishes in that particular. If he has reference to the witness to whom I suppose he has, I have no objection to defer the examination.

Mr. Tilden—My remark applies in part to Miss Au-

mr. Tilden- My remark applies in part to miss re-usta Cunningham.

Mr. Clintor.—Then I will not call her until a subse-Mr. Tilden-Whom do you propose to examine this

morning ! Mr. Clinton-The first witness called will be the Rev. with.

Tilden-How long does your Honor propose

Sprrogate-As late as we can-until 5 o'clock, prob-Mr. Clintan-I am disposed to oblige Mr. Tilden. 1

Mr. Clint n—1 am disposed to oblige Mr. Ridden. It prefer making a commencement this morning, but if he makes a motion for an acjou ment, he will certainly meet with no objection from our side.

Mr. Edwards—I supposed, your Honor, that the usual hour for edjou nment was 3 o'clock.

Mr. Tilden—I don't think I should be able to attend

Mr Edward:—I have one suggestion to make before Mr. Clinton opens. I know you. Honor is supposed to know nothing of this case. I would suggest that, as it will turn out a remarkable one and of such a grave character, it will fairly require that two witnesses at a time should not be in the room. I am quate willing that that rule should be applied to my witnesses, and I ask that it be appaied to air; and I would ask that Mr. Clinton in his opening shall make that opening in the absence of all witnesses. Your Honor will very well understand how puties who are to give testimony can gaiber from the opening of the counsel or from the statements of the counsel what is important. I would ask, and I have no doubt that Mr. Clinton will consent, that witnesses should be out of the room. Mr Edwards—I have one suggestion to make before

that witnesses should be out of the room.

Mr Clinton—I am willing. If your Honor pleases, it is a source of no smill congravilation, both to my client and to myself, that we have at last arrived in a Ccurt where we shall be protected in our rights, where the rules of law will be enforced, and where the rules of law will be the room. I do not down it was decency will not be outrezed. I do not deem it ne cesdecency will not be outraged. I do not doesn it necessary to make any extended opening in this case to your Honer. It I were to attempt to noswer the calumnus with which the community have been inundated in regard to my client, neither this day, nor this week, would be sufficient for that purp see. I shall therefore endeavor to confine myself strictly to the issue now raised in this Court, to wit: whether my client at the time of the death of Harvey Burdell was his lawful wife. That she was married to him on the 28th day of October last I think will be demonstrated to your Honor—to the satisfaction not only of your Honor and of the estine community, but to the satisfaction, I believe. or—to the satisfaction not only of your Honor and of the et the community, but to the satisfaction, I believe, of my learned opponents. I think it will be proved so clearly that after this proceeding shall have been ended they will give up all idea of maintaining, or attempting to maintain, that my client is not the lawful wife of Harvey Burdell. It is true. Sir, that that murriage was to be kept a secret until a given time from the world, and as far as any testimony yet has gone I be-lieve my client did keep it a secret. Dr. Burdell, on the contrary, was not so entirely particular to keep it a secret as the was. On more than one occasion he adday I have specified he married these parties. Rumors at that time were rife that a fraud had been practiced am tool, he was given bore a strong resemblance to Dr. Burdell—such a re-markable resemblance that he might very readily be

secret as she was. On more than one occasion he admitted the fact to those in his confidence. First in the order of proof we shall introduce the ciergy nan who married these parties, and I say here that I think his testimony will forever settle that question. I am aware, Sir, under what circumstances on a former occasion he was called, with a view to testify whether or not on the day. They appointed he may a those second at that time were rife that a train had been practiced upon him, that somebody else had personated Dr. Burdell. He went to testify with his mind to a certain extent preceduated by those impressions. It was represented that John J. Eckel had represented Dr. Burdell on that occasion. Mr. Marvin was not allowed to see, of at least at that time did not see, Mr. Eckel. As I am told, he was given to understand that Mr. Eckel have a signer resemblance to Dr. Burdell—such a restaten for him. Under these circumstances, Mr. arvin was called as a witness. He was taken into Marvin was called as a witness. He was taken into the room containing the corpse of Dr. Burdell. He was taken there by the Ceroper, other parties being, I believe, excluded from the room. Dr. Burdell's corpse, whether for the purpose of deceiving or for what pur-pose I will not now say, was dressed somewhat differ-ently, so as to make his appearance different from what it was when he was living For example, it is well known to his acquaintances that he usually wore his if was when he was that he usually wore his collar turned over; the cor, se was dressed with a very high stand-up collar, coming forward, so as to in some respects siter his appearance. The face of the corpse was somewhat bruised; the appearance of course was very much changed from that of the living person. Mr. Marvin saw the corpse. He was then asked whether that was the party whom he married on the 28th of October last. He cid not then, not having seen Mr. Eckel, with his mind proccupied with the impressions I have stated, he did not then give a positive opinion upon that subject; but, like a careful, o micientious, accurate man as he is he wished to reflect upon the matter—to reflect carefully, and, showe all, before expressing a positive opinion, he desired to see the other pressing a positive opinion, he desired to see the other party to whom I have alinded. He was then asked whether the corpse that he had seen was the corpse of the person whom he had married. He stated that there party to whom I have alinded. He was teen asked whether the corpse that he had seen was the corpse of the person whom he had married. He stated that there were strong points of resemblance, but whether it was that person or not he did not then express an opinion. Mrs. Bundell was subsequently brought into the room for his identification, and at first he falled utterly to recognize her as the party he married. He recognized the corpse much more strongly than he did the other party; but afterward, on seeing her and the daughter with her, one or both of them being dressed pretty much as they were upon that occasion, he was satisfied that the one was the party whom he married, and that the other was the witness. He subsequently saw Mr. Eckel, and the moment he saw him he pronounced decically that he did not bear the slightest resemblance to the man he married, in countenance, figure, or in any way whatever. Mr. Marvin has reflected upon this matter, and weighed every circumstance connected with it; he has brought up to his recollection the features of the man whom he married and the features of the corpse; he has given the subject that attention which he is bound to do as an honest min and a Christian, and he is now satisfied beyond a doubt, and has so tesufied, as I understand, that the man whom he marned, and the corpse which he saw upon the occasion to which I have alluded, were identical. I think, therefore, that the testimony of Mr. Marvin, when you come to hear it, will forever settle this question in regard to the marriage of withstanding, as I believe, a wholly baseless and unjust accusation had been made against her in another Court I considered it my duty to have her rights maintained in this Court. With me, therefore, rests the sole responsibility of the proceedings now pending before your Honor. I have no doubt that we shall not only establish the marriage here, but before this proceeding before your Honor is ended, you will be satisfied, not only that the marriage actually occurred, but that there is no legal or moral obstace in the way of granting letters of administration to this lady. I consider that to abandon her rights here, because a baseless and urjust accusation had been made in another alluded, were identical. I think, therefore, that the tes-timony of Mr. Marvin, when you come to hear it, will forever settle this question in regard to the marriage of Dr. Burdell and Mrs. Cunningham. In addition to that, Sir, we shall present to you the testimony of the daughter, Mise Augusts Cunningham, who was present as the witness upon that occasion. I am aware that her testimony may be criticised, from the fact that she is the daughter of the party whose rights are now to be adjudicated. Yet, Sir, I venture to say, that when you shall see her upon the witness stand, when you shall have heard her testimony, when the counsel on the other side shall have subjected her to as rigid a cross-examination as they may desire, that one and all will say that a more candid, trathful witness pover appeared

is a court of justice. There are other witnesses when we shall introduce with a view to prove this state of facts. You have already, perhaps, heard usefficially of the testimony that will be given by Dr. Spicer: I say you may have read it unofficially, because it has been published in the newspapers. Dr. Spicer received a letter from Dr. Burdell stating the fact of marriage under circumstances which he will detail upon the witness stand. Some have supposed that Dr. Spicer was too anxious to be a witness in this case. It does strike me that a man possessing the knowledge that he possesses, who upon hearing of the death of a party under such circumstances, and being aware that he had proof of a fact which was said not to be proved, but publicly disproved, if he did not come forward and make it known that he had that fact in his possession, I should say was an unsafe man to go at large in this community. It was a matter of conscience with Dr. Spicer when he heard of the death of Dr. Bardell to come to this city and make known the facts which Dr. Spicer when he heard of the each of Dr. Surveis to come to this city and make known the facts which rested in his knowledge. I invite my learned opponents, when he shall come upon the stand, to energise their utmost skill, their greatest ingenuity in cross-examining him. I am told, though I have no previous acquaintance with this gentleman, that he is a man of the property of acquaintance with this gentleman, that he is a man of most excellent character, respected by those who know him, against whom not a breath of slander will be breathed unless it may come from the relations of Dr. B., who may be stimulated to that course from the fact that he is an important writees in the case now pending before your Honor. As I said, the other side will have opportunity to criticise him—to sift him—sad, if he be not a reliable witness, to prove it to your Honor. We throw down the gauntlet, and I think if any attempt is called to impressed him we said the purposered to see not a reliable witness, to prove it to your honds. We throw down the gauntlet, and I think it any attempt is made to impeach him, we shall be prepared to suctain him by overwhelming testimony about which there can be to dispute or doubt. In addition to this, there are other parties to whom Dr. Burdell has admitted the fact of his marriage. We are constantly getting additional information upon this subject. After all this testimony shall have been spread upon the record here, I think that the marriage of Dr. Burdell and Emma Augusta Cunningham, on the 18th of October last, will be proved as clearly and as strongly as any marriage kept accret by the parties could in the nature of things, ever be proved. And here I will take the liberty of stating how it was that these parties came to be married by the Rev. Mr. Marvim. Mrs. Cunningham, while Dr. Snodgrass resided and preached in this city, was a member of his church. She and her husband, who was a constant attendant, although, I believe, not a communicant, together with their family, constantly attended the church of Dr. Snodgrass. It was quite natural, therefore, that after he remayed from this city to Gosban that she should prover that her old nator. bended the church of Dr. Snodgrass. It was quite natural, therefore, that after he remaved from this city to Goshen, that she should prefer that her oil pastor should officiate at the marriage ceremony. She, therefore, went to Goshen for the purpose of engaging Dr. Snodgrass to perform the murriage ceremony. It so happened that Dr. Snodgrass was not at hone: it was not in his power to do it. She then, upon the recommendation of Mrs. Snodgrass, applied to Mr. Marvin, between whom and Dr. Snodgrass friendly and somewhat intimate relations subsisted—they had been. I believe, in the habit of exchanging pulpits. Upon the recommendation of Mrs. Snodgrass she caused Dr. Burdell to apply to Mr. Marvin, and it will strike your Honor that it would be the most unnatural, most berbatous most monstrous doctrine to entertain for one moment that if this lady intended to fabricate a marriage she would apply to her old pastor to perform the moment that it this way intended to read the read paster to perform the marriage ceremony. I am aware, Sir, that many rumors, which I shall not stop to notice, have been set affect in this community with a view to show that this affoat in this community with a view to show that this lady never was manied to Dr. Burdell, and I am aware of the manner in which public opinion has to a cousid

mors, which I shall not stop to notice, have been set affeat in this community with a view to show that this lady never was manied to Dr. Burdell, and I am aware of the manner in which public opinion has to a considerable extent been formed from the very peculiar, one-sided, ex parte prosecution, set on foot against this woman by Coroner Connery. No one who was present at that investigation would wonder at any impression being formed from the manner in which it was conducted. I know that before your Honor those proceedings will have no influence whatsoever; and before the community, when they shall come to understand how it was that the rights of this lady were treated by that official, the community will have no confidence in the proceedings which took place, and they will be quite as ready to do justice to the lady and change impressions thus hastily formed, as they were to form adverse impressions. It was sought to be shown, and pechaps will be here, that because this marriage was kept secret, and because Mrs. Burdell acted to the world as though she was not married, that that was proof that she actually was not married. I shall submit to your Honor that so far from proving that, no matter what acts they may show based upon the idea that she was not married, it will rather go to show that she kept faith with Dr. Burdell, when she promised to keep the marriage a secret. There is one piece of testimony which has been very much misrepresented, unintentionally, no doubt, which was given there, and which may be sought to be given here, to which I will allude, and that is the testimony of one of my associates. It has been stated that it was testified to by him that a menth after this marriage took place, this lady applied to him to recommence a certain suit which had been discontinued, that was brought on account of the Doctor havitg failed to perform his promise of marriage with this lady. The tacts in regard to this, as my associate testified, are simply those. A suit for a breach of promise of marriage with thi was no doubt as to the identity of the party, the assignment would undoubtedly be valid in law, although the former name was used. She at that time held a judgment against William Burdell, which Harvey Burdell had caused to be assigned to her, because he wished it prosecuted, and he did not wish to do it openly against his brother. Upon Mr. Thayer's giving this advice she immediately then transferred this judgment which she held against Wm. Burdell to Dr. Harvey Burdell, using the name of Emma Augusta Cunningham. Mr. Thayer is uncertain whether it was when the suits were discontinued, or when she came about this assignment, that he asked her what had become of the breach of promise case. She had expressly agreed with Dr. Burdell not only to keep the marriage a secret from the world, but from Mr. Thayer in particular. Of course, if the question were put to her, she could say nothing less than to avert his suspicion from the fact that she was married in the same way as she would that of any other person. This is the explanation. If my opponents see sit to call Mr. Thayer to state that, or for any purpose whatever, I have no doubt they will be at perfect liberty so to do. I shall not occupy further time in opening this case to your Honor. I have enceavored to confine myself strictly to the record. There is, penhaps, one motion that I ought to make before going on with the testimory, and that is this: I see that among the objections filed by my opponents, is one that this tady has anether husband living. I shall doem it. In duty to move that that be made more specific. If the objection is to go upon the record, I think they this lady has another husband living. I shall deem it my duty to move that that be made more specific. If the objection is to go upon the record, I think they should be required to mame the party to whom they allude. It is perhaps true that the merits of the case will come out on the first objection, which is to the fact that Dr. Burdell and this lady were ever married. I shall therefore ask them to be more specific in regard to the second objection. There is only one more suggestion which I deem it my duty to make. This is undoubtedly the first time that a case was ever presented to your Honor where the party was charged with the grave and serious offense with which it is known to the whole community that this party now stands charged. Here is not the place to discuss that; but I state this in defense of my client, and as a justification of myself. I con-

sider that to abandon her rights here, because a pass-iess and pripus accusation had been made in another quarter, would be cowardly and unprotes-sional on my part. I shall therefore, main-tain her rights here, and I am satisfied that where rules of law and justice prevail as they do in this Court her rights will be rafe.

my client, and as a justification of myself. I con-sidered it my duty to maintain her rights here—not withstanding, as I believe, a wholly baseless and un

Surrogate—There has been one suggestion made in regard to the allegation that this lady has another hus-band. band.

Mr. Edwards—I suppose that the chief question here is whether this woman is the widow of Harvey Burdell. That's got to be first made out. If I were to acmit that she was his widow—which I cannot and do acmit that she was his widow—which I cannot and do not believe in, even after the address of Mr. Clinton—from what I know, if I did admit that, then might come the queetion on my second point as to whether she is not the wife of another man. I would suggest to your Henor that I had some ground for putting that point in. I am annious to keep that to myself until the proper moment. It may not be necessary to bring it out. It would be in case your Honor should decide that she is the widow. What I have gathered in regard to that has partly come from Mrs. Cunningham. I am rehas partly come from Mrs. Cunningham. I am re-luctant to say anything more, and shall ask that my pleading shall stand as it does. If your Honor should muist on a more distinct averal, I should rather have it strickes yet then to make it.

Mr. Clintes—I think it is due to your Hener that this Court should not be made the vehicle for irresponsible signders to go forth to the public. If Mr. Edwards wishes this objection to remain, it certainly should be made more explicit. If, rather than disclose to what he alludes, he prefers that that be stricken from the tendent that course will be to be taken. I therethe record, that course will be to be taken. I there-fore move your Honor that this be stricken from the

Mr. Edwards-Your Honor will perceive that the first Mr Edwards—Your Honor will perceive that the arise is sufficient, and there is no necessity at this stage of this case to put this on paper at all. Suppose that your Honor should decide that this Mrs. Cunningham was Mrs Burdell then any of us have a right to say was Mrs Burdell then any of us have a right to say that she has no right to administer in regard to this estate because she is a married woman, and as a married woman she could not take letters of administrative woman she could not should strike it.

ried weman she could not take letters of administration. I conceive that if your Honor should strike it out I should have the advantage of it.

Surrogate—The object of pleadings is to give notice to the respective parties of the matters which are to be tried, and all the pleadings ought to be completed before the Court proceeds to trial. I have no doubt, therefore, that the other side is entitled to a more specific allegation on that point. I will let this matter stand until the next bearing in this case, for their consideration; but at that period I shall call upon you to name the party or withdraw that allegation.

Mr. Eiwards—To save your Honor's time I respectfully decline now to make the objection more specific. The Rev. Units Markyin, sworn.

Surrogate—What is your age! A. I was born in ISIG—forty one.

816-forty one. Surrogate-What is your occupation! A. Clergy-

Mr Clinton-You are a clergyman in this city! A.

Mr. Clinton—And have been for how long? A. Two years the 7th of April.

Mr. Clinton—On what Church? A. Reformed Dutch, cotner of Bleecker and Amos.

Mr. Clinton—On the 28th of October last did you marry any person? A. I married two persons in the evening of that day.

Mr. Tilden—Let the witness produce the record.

Surrogate—That is your register of marriages, Sir? A. Yes, Sir.

Surrogate—Read it, if you pleass? A. "1856, Oct. 28th."—"Harvey Burdell, Emma Augusta Cunningham; opposite the name of Harvey is "S.," meaning single: opposite her name is "W., meaning widow; opposite his, "New York," signifying nativity; opposite hers, "New-York City," signifying also the piace sie hers, "New-York City," signifying also the piace. opposite his, "New York, signifying also the pisc sie hers, "New-York C ty, signifying also the pisc of her nativity; opposite her name, "31 Bond-et, mearing her residence; opposite his name, "W.," i mearing her residence; opposite his name, "W.," nifying white color: opposite hers the same; opposi-both, "732 Greenwich st.," the place of marriag the place of marriage opposite his name "44," his age; opposite hers "35," her age; in pencil below, "Witness, Margaret Augusta Cunningham, 31 Bond-st., daughter of the bride." That pencil mark was written at the time the other was

That pencil mark was written at the time the other was written in link.

Surrogate—Do you offer this in evidence?

Mr. Clinton—Yes, Sir.

Mr. Edwards—Subject to our objection.

Mr. Clinton—How many times did you see the gentleman whom you married on that occasion during his lifetime? A. Orly three times.

Mr. Clinton—When did you first see him? A. It was the day of his marriage.

Mr. Clinton—When and for what purpose did he call? A. Leav him at my house some time in the

Mr. Clinton—When and for west purpose and he call? A. I saw him at my house some time in the morning; I can't tell the piecise hour.

Q What did be say? A. It is perhaps, impossible for me to give his identical words; he came for the

Mr. Edwards—I object to that.

Mr. Tilden—What did be say! A. It is impossible

Mr. Tilden—What did be say! A. It is impossible to remember the exact words.
Mr. Clinton—What was the substance of what he said? A. He wanted me to fix an hour when I would marry him; the hour was fixed for 8 o'clock that evening; but I should remark that at that time I obtained these things on the register; I obtained them from him; everything about both parties.

Surregate—By interrogation? A. Yes, by asking operations.

questions.
Surrogate—Did you make a memorandum? A. Not in this book, but on a separate piece of paper which I copled into this book.

Mr. Filden—Have you lost that memorandum? A. I have not got it in my possession; I destroy those things after they are copied into the book.

Mr. Tilden—Are you sure that has been destroyed?

A. I generally throw them into a basket to kindle fire with.

A. I generally know then into a obsect to state the with.

Surrogate—Was that copied into this record before or after this marrisge? A. I think it was copied before, but I won't be positive.

Surrogate—What is your habit in that respect? A. To copy it in before the marrisge takes place, and then if the marrisge should not take place I crass the entry from the book; you will observe by looking into this book one or two already scratched out.

Surrogate—Was there snything else occurred except what you have stated? A. There might have been semething said in reference to his bringing a witness; I occasionelly speak of that to parties.

Surrogate—Do you remember whether you asked anybody to attend for the purpose of identification? A. I cannot say.

r. Chuton—I understand that that is your habit?

A. That is my habit.

Mr. Clinton—Have you any reason to suppose that you deviated from it on that occasion?

A. No, Sir. Surregate—Did you sek the parties whether they belonged to any other Church or Congregation?

A. No. Sir. A. That is my habit.

Was there any particular reason given for apply-

ing to you? A. No, Sir.
Q. You didn't understand what denomination they belorged to? A. No, Sir.
Mr. Clintor—When did you next see that gentleman? A. I think it was a few minutes after S that

Mr. Clinton-Have you stated in what month and

any one? A. He came with a woman to whom he was married and a young lady whom the woman represented as her daughter.

Mr. Clinton—Have you seen the two ladies since so as to be able to identify them? A. I was subpensed to attend the Coroner's inquest the Sabbath after the murder, and was there after noon, on which occasion

murder, and was there after noon, on which occasion I saw her and her daughter, whom I know was pres-Surrogate-Her name was Augusta Cunningham

A. Yer, Sir, Margaret Augusta Cunningham.
Surrogate—Do you mean to say that Mrs. Cunningham was the same person you married? A. At the time I saw her I didn't recognize her as the person I married; I was then shown into another room where Margaret Augusta Cunningham was; her I recognized as the writers to that marrises.

Margaret Augusta Cunningnam was, her i recognized as the witness to that marriage.

Mr. Clinton—State whether or not you have since been able to recognize the person known as Mrs. Cunningham as the person you married? A. Some few days ago she seat for me to call upon her at the Tombs; I went, and the first look of the woman, it fisshed more upon ny mind than ever that that was the woman I married; or, in other words, she then resembled more the ed; or, in other words, she then resembled more the

Mr. Clinton-Were you satisfied on that point as to whether she was the woman you married? A. I am. Mr. Clinton—Perfectly? A. Perfectly. Mr. Clinton—Now we will go back to the interview

when you married them. You state that this gentle-man came, and a witness; be kind enough to begin there, and state the rest of the interview. State what transpired. A. My first remark on coming into the transpired. A. My first remark on coming into the room I was up stairs when they came was, "You see that I am punctual," I then asked the name of the witness: the gave me her name, and I wrote it on a slip of

Surrogate—Who gave you her name! A. The witness erself. The woman is in a surrogate of the surrogate of the woman is in a surrogate of the woman in the surrogate of the surroga herself. The woman to be married then remarked that that was her daughter: I then asked her how old she was; she gave me her age, which I do not now recollect; I replied, "It seems to me she is very large for her age;" I think the next step was the standing up for the ceremony; the ceremony was then performed; the bridegroom then gave me the customary fee; I do not remember of anything else occurring at that inter-

Surrogate-What was the fee? A. Ten dollars;

Surrogate—What was the fee? A. Ten dollars; something was said in reference to his calling next day for a certificate.

Mr. Clintor—What was said in regard to a marriage certificate? A. He wanted a certificate, and I told him I would have it ready for him next morning.

Mr. Clinton—Were you to advertise the marriage?

Mr. Edwarde—I object; don't lead the witness.

Mr. Clinton—This witness cannot be led at all.

There is one point about which I wish to ask, and that is, as to whether anything was said on the subject of advertising or making public this marriage.

Mr. Edwards—I think the witness should be left to himself. He is an educated gentleman, and don't want if. He is an educated gentleman, and don't want

to be led.

Mr. Clinton—Do you think of anything else that was mr. Clinton—Do you think or anything else that was said! A. He did not want me to publish it; I think I replied that I did not publish half my marriages; I do not remember of her making sach a request.

Mr. Clinton—About how long did it take. A. The ceremony itself did not take over eight minutes; they could not have been in my house at that time over twenty minutes.

twenty minutes.

Surrogate—Whe else was present? A. My two servant girls were in the back parlor.

Surrogate—Be kind enough to name them. A. I only know their first names, Mary and Sarah.

Surrogate—How was the gentleman dressed? A. In dark clothes.

dark clothes.
Surregate—What was his size? A. I should think he was about five feet eight or nine inches.
Surregate—Stout? A. I should think his weight was ab ut 165 or 170.
Surregate—Duscribe his personal appearance. A.

He was rather slow in speech, and was a fittle stooping; I cannot remember now having cought his eye.

Surrogate—Hair? A. Dark hair.

Surrogate—Scanty or abundant? A. Medium.

Surrogate—Complexion? A. Not fair, nor was it very dark.

Surrogate—Face full or thin? A. I don't

Surrogate—Face full or thin? A. I don't know that I can tell. I can tell.

Surrogate—He asked for a certificate; was that and dible, so as to be heard by all the parties? A. If they

had been listening.

Mr. Clinton-De you mean the servants? A. The

patties in the parlor.

Surrogate—When he asked not to publish it, how was that? A. My impression is that the request not to publish it was made in the morning.

Surrogate—Not in the evening? A. Well, I have a faint recellection that he made the same request that

Surrogate—Not in the evening A. A. If we went that evening—a very faint impression.

Surrogate—Was that audible or aside? A. My impression is that it was very faint; I won't be positive that he renewed it in the evening Surrogate—Is your recollection of that in the evening sufficient to enable you to say whether it was made audibly before the parties or aside? A. He did not take me aside for any purpose?

Surrogate—Is your recollection of the request not to publish at fliciently distinct to enable you to say whether it was audibly made? A. If it was made at all, it was made so that they could all hear it.

Surrogate—Was snything said by the lady in regard to the certificate? A. Not that I remember.

Surrogate—How was the lady dressed? A. She was dressed in black.

Surrogate—And how was her daughter dressed? A. I don't tenember.

Surrogate—Did you inquire the names of the parties in the evening or did you rest on the information on the obvious of in the morning? A. I can't re-

in the evening or did you rest on the information you had obtained in the morning? A. I can't re-

you had obtained in the morning [A. I can't re-member if I inquired sgain, but I must have rested principally upon his statements in the morning; I generally get from the bridegroom all the answers which I need to authorize me to perform the

e remeny.
Surrogate—Did you observe whether the party had whirkers? A. Yes, Sir.
Surrogate—Light or dark? A. Dark.
Surrogate—Full around his face? A. I think there was beard running up to the hair, but I am not posi fire, as I am about what is called the goates; he had nextly full whiskers.

as I am about what is called the goatee; he had pretty full whiskers.

Mr Patterson—Was the upper lip shaved? A. He had hair on the upper lip.

Mr. Clinton—When aid you next see the bridegroom? A. Next morning.

Mr. Clinton—State whether the hair and whiskers were a natural black or seemed otherwise? A. I did not notice particularly; they looked natural.

Mr. Clinton—When did you next see the bride—When Jak Next morning the 20th of October

Mr. Clinton—When did you next see the bride-groun? A. Next merning, the 29th of October. Mr. Clinton—About what time in the morning? A. It was tetore 12. Mr. Clinton—In what room? A. The same in which the marriage was performed.

Mr. Clinton—In what room? A. The same in which
the matriage was performed.
Mr. Clinton—For what purpose was that interview?
A. He came to get the certificate of marriage, I gave
him the certificate; he sat down is a chair and read it
te himself; when he got through he nodded his head
and said "all right," or words to that effect; I don't
know of any further conversation; he then left.
Mr. Clinton—Did you address him by any name
when he came in that morning? A. I don't remember,
Mr. Clinton—State when, if at all, you first saw the
corpse of Dr Burdell? A. On the afternoon of the first
Sabbath after the murder.
Mr. Clinton—I think it was the 1st day of February?
A. The body was then lying on a bedstead in the front

A. The body was then lying on a bedstead in the front room, second story of No. 31 Bond street. Mr. Clinton—Did you see the corpse afterward? A. Once, after it was placed in the coffin. Mr. Clinton—When was that? A. Three or four

days after
Mr. Clinton—What examination did you make. A. I looked at the body as closely as I could on both occa-sions; no other part of the body was visible but the face and the hands.

Mr. Clinton—Was the whole of the head visible?

A. Yes.

Mr. Clinton-And the body lying on its back? A.

Yes. Mr. Clinton-Was it dressed on that occasion? A. Yes, but not as he dressed when he was there; I think he was dressed at that time with a shirt coming down to the waist, and the pantaloons snug around the

Mr. Patterson-Was that all! A. He may have had something around his neck-a handkerchief, or stock,

something.

Mr. Clinton—On the occasion when you saw the corpse, how was it dressed? A I cannot tell you.

Q. Was your observation directed chiefly to the fire? A. Chiefly; still I can remember the whole body as it was lying on the bed.

Mr. Clinton—State whether since that occasion you have taken any pains to recall to your recodection the features of the man whom you married on the "Sthot October last? A. Since the murder I have thought a great deal of it. I have recalled the features and general appearance of the deceased and compared tham with the features and general appearance of the mar I married, and the more I have done so the more I am convinced that the man I married was Harvey Burdell.

Mr. Clinton—State, Doctor, whether you have any doubt whatever that the corpse and the man whom you married on the 28th of October last were one and

Mr. Edwards—I object.
The Surrogate—Ask him to state his best belief from comparison.

Mr. Clinton-I will ask him thus: State whether the

objection.

Mr. Clinton—If a clergyman could not give an opia-

on upon this point.

Mr. Edwards—We don't want opinions, but included Mr. Clinton—That is what we are trying to give.

Mr. Clinton—State whether the corpes you saw on that Sunday at No. 31 Bond street was that of the person you married on the 28th of October.

Mr. Edwards—We object.

Mr. Edwards—We object.

Mr. Edwards—We object.
The Surrogate—On what grounds?
Mr. Edwards—That is a conclusion which the Surrogate has got to draw from the testimony of the witness.
The Surrogate—I shall allow the question.
[Question repeated by Mr. Clinton].
Witness—Shall I answer?
The Surrogate—Yes, Sir.
Witness—I think it was.
Q. Have you any doubt whatever on that subject?
A. None whatever.
Mr. Edwards—Take that answer, subject to objection.

ction.

Cross examined by Mr. Tilden—Refer, if you please, to your record of this marriage in the book. [Witness does so ] You say that the name of Margaret Augusta

does so ] You say that the name of Margaret Augusta Cunningham as a witness was written at the same time the other was written? A. Yes, Sir.

Q. At the same time the entry in ink? A. I mean that the whole was written at one and the same time. Q. How did you come to write the rest with ink and the name of Margaret Augusta Cunningham with pencil? A. I never write with a metal pen, consequently my writing occupies a good deal of paper; I write with a very blunt pen, as you perceive by these entries; consequently, there was not room enough to write the name of the winess between the two parallel lines and as I can sharpen a wood pencil to write smaller than a blunt pen, I did so; that is the mystery with regard to that.

with regard to that.

Q. What time did you say the entry in ink was made? A. On the 28th of October, 1856.

Q. At the Interview before the marriage? A. After the interview before the marriage, and before the

Q. And was the pencil mark made at the same time? A. Yes, Ser.

Q. The pencil mark was written before the interview when the marriage took place? A. It was customary

when the marriage took place? A. It was customary for me to do so, and I have no reason to suppose that I deviated in this case. Q. Was it before the gentleman came for the purpose of the marriage? A. I have just atched it was before

the second interview.
Q. Are you sure of that? A I am sure of it as far as this -that it is my custom to do so.
Q. From whom did you learn the full name of Margaret Augusta Cunningham? A. I learned it from

Q. From anybody else? A. At the marriage I saked

Q. From anybody else? A. At the marriage I saked ber her name.
Q. Did you know her name before? A. No, Sir; when I asked her she replied Margaret Augusta, and then her mother said she is my daughter.
Q. How did it happen, then, that you could have written down the name of Margaret Augusta Cunningham at the time the ink was written? A. I told you before that I took her name en a slip of paper.
The Surrogate—In the morning? A. No, Sir, she was not present in the morning; I did not know her name until she came as a witnesse; I did not know the woman had a daughter; she gave me her name; I put it on a slip of paper, and transferred it to the book;

woman had a daughter; she gave me her name; I put it on a slip of paper, and transferred it to the book; where you see it written? A. When I said that all between those parallel lines were written at the same time, I did not mean the same minute, or the same hour, but the same day.

Q. Do you ordinarily understand when you hear men say that they have had several things done at the same time that the things were done at different times? A. It depends upon what is spoken of; the term is relative in its application.

mits application.

Mr. Tilden—I know it is a relative and broad term.

you spoke first of an interview, subsequent to which this entry was made in the book; you then said that the entry in pencil was made in the book at the same time. I understand you now to say that what you ment by that is not that if you written at the same